PEARSON, J. UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION IN RE: EAST PALESTINE TRAIN DERAILMENT CASE NO. 4:23CV0242 JUDGE BENITA Y. PEARSON ORDER * * * * * * * * * * * * * * * * * * *	Case: 4:23-cv-00242-BYP Doc #: 448 Filed	: 04/09/24 1 of 3. PageID #: 5833
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION IN RE: EAST PALESTINE TRAIN DERAILMENT OBJUDGE BENITA Y. PEARSON ORDER * * * * * * * * * * * * * * * * * * *		
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JUDGE BENITA Y. PEARSON) ORDER * * * * * * * * * * * * * * * * * * *) CASE NO 4:23CV0242
ORDER	DEM MENTER (1)
ORDER)
STATE FARM FIRE & CASUALTY COMPANY, Plaintiff, DIUDGE BENITA Y. PEARSON NORFOLK SOUTHERN RAILWAY COMPANY, et al.,) JUDGE BENITA Y. PEARSON
STATE FARM FIRE & CASUALTY COMPANY, Plaintiff, DIUDGE BENITA Y. PEARSON NORFOLK SOUTHERN RAILWAY COMPANY, et al.,)
STATE FARM FIRE & CASUALTY COMPANY, Plaintiff, DIUDGE BENITA Y. PEARSON NORFOLK SOUTHERN RAILWAY COMPANY, et al.,)
STATE FARM FIRE & CASUALTY COMPANY, Plaintiff, DIUDGE BENITA Y. PEARSON V. NORFOLK SOUTHERN RAILWAY COMPANY, et al.,))
STATE FARM FIRE & CASUALTY COMPANY, Plaintiff, Plaintiff, JUDGE BENITA Y. PEARSON v. NORFOLK SOUTHERN RAILWAY COMPANY, et al.,)		ORDER
STATE FARM FIRE & CASUALTY COMPANY, Plaintiff, Plaintiff, JUDGE BENITA Y. PEARSON v. NORFOLK SOUTHERN RAILWAY COMPANY, et al.,)		
COMPANY, Plaintiff, Dudge Benita Y. Pearson V. NORFOLK SOUTHERN RAILWAY COMPANY, et al., CASE NO. 4:24CV0587 Dudge Benita Y. Pearson Dudge Benita Y. Pearson	* * * * * * * * * * * *	* * * * * * * * * * * * *
COMPANY, Plaintiff, Dudge Benita Y. Pearson V. NORFOLK SOUTHERN RAILWAY COMPANY, et al., CASE NO. 4:24CV0587 Dudge Benita Y. Pearson Dudge Benita Y. Pearson	STATE FARM FIRE & CASUALTY)
V. NORFOLK SOUTHERN RAILWAY COMPANY, et al.,) JUDGE BENITA Y. PEARSON)))) CASE NO. 4:24CV0587
V. NORFOLK SOUTHERN RAILWAY COMPANY, et al.,) JUDGE BENITA Y. PEARSON)))))
v.) NORFOLK SOUTHERN RAILWAY) COMPANY, et al.,)	Plaintiff,)
NORFOLK SOUTHERN RAILWAY) COMPANY, et al.,)) JUDGE BENITA Y. PEARSON
COMPANY, et al.,	v.)
	NORFOLK SOUTHERN RAILWAY)
Defendants.) ORDER	COMPANY, et al.,)
Defendants.) <u>ORDER</u>)
	Defendants.) <u>ORDER</u>

I.

On April 5, 2023, the Court, pursuant to <u>Fed. R. Civ. P. 42</u>, consolidated 31 cases that had been filed regarding the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio. *See* Order (<u>ECF No. 28</u> in No. 4:23CV0242). The Court also appointed Seth A.

Katz, M. Elizabeth Graham, Jayne Conroy, and T. Michael Morgan as Co-Lead Counsel. The Order sets forth the responsibilities that Co-Lead Counsel, in consultation with the Members of the Executive Committee, shall have "on behalf of all Plaintiffs in this action and any additional related actions that are consolidated with this action (collectively, 'the Action')." ECF No. 28 in No. 4:23CV0242 at PageID #: 565.

On February 22, 2024, Plaintiff State Farm Fire & Casualty Company filed the within subrogation action against Norfolk Southern Railway Company and Norfolk Southern Corporation ("Norfolk Southern") in the Columbiana County, Ohio Court of Common Pleas, being Case No. 2024 CV 00068. On March 29, 2024, Norfolk Southern removed the above-entitled action to this Court on the basis of diversity jurisdiction.

Case No. 4:24CV0587, a related action, is hereby consolidated into Case No. 4:23CV0242 for pretrial purposes pursuant to Rule 42.

II.

The Court previously announced its intention to administratively close all but Case No. 4:23CV0242 upon the filing of a Master Consolidated Class Action Complaint regarding the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio. *See* Order (ECF No. 28 in 4:23CV0242) at PageID #: 570 n. 7. The Master Consolidated Class Action Complaint (ECF No. 31 in 4:23CV0242) was filed on May 4, 2023. Accordingly, Case No. 4:24CV0587 is hereby closed.¹

¹ The Clerk's Office shall administratively close Case No. 4:24CV0587.

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The Clerk of Court shall docket the within Order in Case Nos. 4:23CV242 and 4:24CV0587. Thereafter, all pleadings and other papers for the above-entitled actions shall only be filed in and docket entries shall only be made in Case No. 4:23CV0242.

IT IS SO ORDERED.

April 9, 2024 /s/ Benita Y. Pearson

Date Benita Y. Pearson

United States District Judge